



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,328	08/01/2003	Kam Fai Fung	884.0198USU	4199

7590 11/29/2005

Charles N.J. Ruggiero, Esq.  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
10th Floor  
One Landmark Square  
Stamford, CT 06901-2682

EXAMINER

DOAN, ROBYN KIEU

ART UNIT PAPER NUMBER

3732

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,328

Applicant(s)

FUNG, KAM FAI

Examiner

Robyn Doan

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's request for reconsideration filed 09/12/05 has been entered and carefully considered. Claim 1 has been amended. Arguments regarding rejections 35 U.S.C. 103 (a) have not been found to be persuasive, therefore, claims 1-13 are rejected as set forth below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warner et al in view of Pao.

With regard to claims 1-3, 4, 6, 10 and 12-13, Warner et al discloses a nail care system (figs, 1, 3) comprising a manicure bowl (76, col. 6, lines 54-57) having a front wall (at 78), a side wall (at 76) and a floor cooperating with each other to define an interior space for retaining fluid therein; the floor being contoured (at 82, fig. 4) to support a finger, a base housing (32, fig. 2) having a cavity (48) there through for selectively receiving the manicure bowl and having a storage compartment (20, 24, 26) and wherein the manicure bowl being selectively received in the cavity such that front wall

Art Unit: 3732

being flush with an exterior surface (fig. 1). Warner et al also discloses a lid (38) being hingedly connected to the base housing. Warner et al does not disclose the lid being partially transparent, a powered hand tool and a plurality of adapter heads, one of the heads being linear motion and another being a rotary motion adapter heads. Pao discloses a nail care system (figs. 1-2 and 5) comprising a hand tool (fig. 2) being operated by a battery (3, 4) and having a controller (8), a plurality of adapter heads (48, 49) for interfacing with the hand tool, one of the adapter heads being a rotary motion adapter head. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the powered hand tool and a plurality of adapter heads, one of the heads being a rotary motion adapter head as taught by Pao into the nail care system of Warner et al in order to file, polish the nails, it would also have been an obvious matter of design choice to construct one of the adapter heads having linear motion for the intended use purpose. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the translucent material for the lid, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warner et al in view of Pao as applied to claim1 above, and further in view of Blackshear (5787903).

With regard to claims 7-8, Warner et al in view of Pao disclose a nail care system comprising all the claimed limitations in claim 1 as discussed above except for fan disposed in an interior space of the base housing and a heater. Blackshear discloses a manicure system (10) comprising a fan (42) and a heater (46). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct the fan and the heater as taught by Blackshear into the nail care system of Warner et al in view of Pao for the purpose of circulating air.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warner et al in view of Pao as applied to claim 1 above, and further in view of Grimm (4979523).

With regard to claim 9, Warner et al in view of Pao disclose a nail care system comprising all the claimed limitations in claim 1 as discussed above except for at least one of an ultraviolet source. Grimm discloses a nail care system (fig. 1) comprising a housing (1) comprising an ultraviolet source (4). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the ultraviolet source as taught by Grimm into the nail care system of Warner et al in view of Pao for the purpose of providing a radiation source which is specific to the purpose of intended.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warner et al in view of Pao as applied to claim 1 above, and further in view of Paule (361366).

With regard to claim 11, Warner et al in view of Pao disclose a nail care system comprising all the claimed limitations in claim 1 as discussed above except for the hand tool having a light source disposed thereon. Paule discloses a nail powered hand tool (fig. 1) comprising a light source (38) disposed thereon. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the light source as taught by Paule into the nail care system of Warner et al in view of Pao for the intended use purpose.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3732

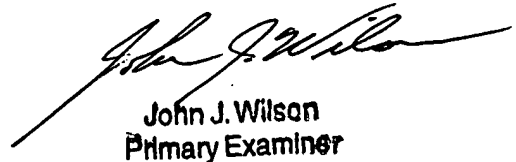
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan  
Examiner  
Art Unit 3732



John J. Wilson  
Primary Examiner